

REGISTRAR COURT NO. 2

LISTED ON : 10.12.2014

ITEM NO. : 08

**SECTION XIIA
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**PETITION FOR SPECIAL LEAVE TO APPEAL(C)NOS. 35911-35913 OF
2011.**

**WITH
PRAYER FOR INTERIM RELIEF**

RAMESH KUAMR JAIN

...PETITIONER

-VERSUS-

GHANSYAMDAS RATHI AND ANR.

...RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Ld. Registrar Court on 23rd July, 2013, when he was pleased to pass the following Order:

“Heard.

Learned counsel for the petitioner submits that great difficulty has been faced by him in obtaining the Death Certificate of deceased-respondent no.2. The usual undertaking shall be filed by the petitioner with regard to the death of respondent no.2. Subject to above condition, delay in filing the application for substitution is condoned and application for substitution is allowed. Two weeks' time is granted to file the amended Cause Title. Issue notice returnable in eight weeks to the newly added Legal Representatives of deceased -respondent no.2.

Six weeks' time is granted to file counter affidavit.

Post before the appropriate Bench in usual course.”

Subsequently, the matters above-mentioned were listed before the Registrar's Court on 23rd September, 2014, when he was pleased to pass the following Order:-

“The Lr. Nos. 2,3 & 5 of the deceased respondent No.2 shall file the counter affidavit within a period of four weeks in case they intend to do so, whereafter no further extension shall be provided. The respondent No.1 shall also be at liberty to file the counter affidavit within the period provided above.

Await the return of the notice issued to the unserved respondents through the concerned District Court.

List again on 10.12.2014.”

It is submitted that Superintendent District Court Akola has forwarded report of Bailiff in respect of service of notice to Lr. No. 2 of deceased Respondent No. 2 which shows service is complete. The Civil Judge Civil & Criminal Court, District Nashik Maharashtra vide letter dated 9th September, 2014 forwarded report of Bailiff in respect of service of notice to Lr. No. 4 of deceased Respondent No. 2 which shows service is complete on him. No report with regard to service of notice in respect of Lr. No. 1 of deceased Respondent No. 2 so far.

It is further submitted that notice alongwith dasti letter was also handed over to the counsel for the Petitioner and counsel has on 19th September, 2014 filed affidavit of service stating therein that Lr. No. 1 has refused to accept the notice and Lr. No. 4 has though received the notice but refused to acknowledge the same.

It is also submitted that there are two Respondents in the matters. Respondent No.2 has died and Lr. Nos. 2(a) to 2(e) was been taken on record vide Court's order dated 23rd July, 2013 of the Hon'ble Court. Mr. Anil Kumar Tandale, counsel for the Respondent No. 1 has not filed counter affidavit. Dr. Kailash Chand, Advocate has entered appearance on behalf of Lr. Nos. 3 and 5 of deceased Respondent No. 2 and also filed affidavit on their behalf.

The aforesaid matters are listed before the Ld. Registrar Court with this Office Report.

Dated this, the 9th day of December, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Ms. Anu Gupta, Advocate, Library No.1, Supreme Court of India.
2. Mr. Anil Kumar Tandale, Advocate, 114, Old Lawyer's Chambers Supreme Court India
3. Mr. Bijoy Kumar Jain, Advocate, Room No. 302, Prakash Deep Building, III Floor, No.7, Tolstoy Marg, ND.

ASSISTANT REGISTRAR